

BENNE Singletary
Plaintiff,

:

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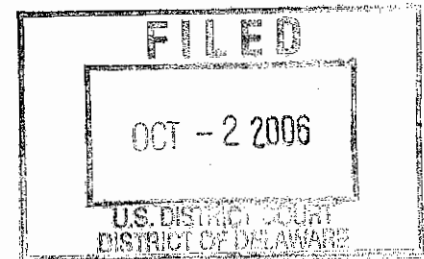
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civil Action NO. 06-315-JJF

v.

:

C/O Gosnell, and C/O Waples :
Defendants. .



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Motion of Opposition of defendants ANSWER.

Plaintiff, Comes Now, before this honorable Court to defend his previous Complaints, in the interest of Justice.

A

Administrative Remedies

i The Plaintiff made an attempt to exhaust his claims through the grievance process, however, was later informed that "the system doesn't provide for damages."

ii

The reality of grievable issues is shown to divert from the drawn-up policy, and the practice of staff is to

treat complaints of civil rights abuses by staff as non-grievable.

B Statement of Claim

i The defendants here clearly exercised unprofessional conduct, and deliberately put plaintiff's health and safety in hands of an attacker, in violation of his Eight and Fourteenth amendments pursuant to Constitutional provisions.

C Statement of Facts

i In the original complaint, the plaintiff contended that an assault was endured on him by another prisoner, On January 14, 2006. The attack resulted in the plaintiff suffering from cuts to his arm, chest, and back causing over 22 stitches.

ii The defendants however, contend that Plaintiff was the prisoner involved in physical altercations with other inmates, and somehow caused his own injuries and concocted a scheme to create a "suit" on them, by defendants contention of stating, "Plaintiff acted with contributory negligence."

iii The defendants claim they shouldn't be liable cause they had no knowledge of any such activity.

However, it should be noted that C/O Waples was on duty in the "gym" on both the 13th of first attack and on the 14th of the second attack, and the defendants gives no evidence to support they were elsewhere, when as a professional they're to act as supervisor to prisoners in case of these kinds of incidents.

iv For the officer to say "he was unaware, and did not have any knowledge of what occurred, is saying he was not on his post" for the protection of any of the prisoners in the area, which hold instruments of great danger.

Officer Gosnell's awareness was revealed when plaintiff was escorted to the "Medical Station," he controlled the doors, however, both contend, "they had no knowledge, in which seems impossible, giving the magnitude of the injuries, demonstrating lack of professionalism of the staff (i.e. C/O Gosnell and Waples).

Justice should be induced here, a reasonable Jury would find the officers unreasonable, unreliable actions sufficient for the plaintiff to proceed on and be awarded damages in the instant case, for the responsibility of being alert and protecting plaintiff from a brutal attack on both occasions.

D Relief Sought

i Compensatory damages are requested here, for the pain and suffering endured by plaintiff, for lack of supervision by officers.

ii Punitive damages as well, the January 13th attack should've separated the prisoners and dissuaded the violent attack by a "jailhouse weapon" subsequent on the 14th. Demonstrating their "Willfulness", intentionally overlooking the "Oath" they were dedicated to uphold, Consistent to Officer Code.

In concluding, plaintiff wants to express that he is continuously living each and everyday looking over his shoulders and becomes "paranoid" when he hears a lot of shouting and hollaring, and hopes this honorable court deny the defendants request to dismiss his Complaint; plaintiff seeks justice in the eyes of public interest.

Bernie Singletary
D.C.C. (332365)
1181 Paddock Road

Date: 9-29-06

Signed: Bernie Singletary, Smyrna, DE. 19977

Certificate of Service

I, BENNE Singletary, hereby certify that I have served a true and correct cop(ies) of the attached: Motion to oppose defendants request, and Answer upon the following parties/person (s):

TO: Office of the Clerk
U.S. District Court
Lockbox 18
844 N. King Street
Wilmington, DE. 19801

TO: _____

TO: Carol State Office building
820 North French Street
Wilmington, DE 19801
Deputy Attorney General
MS. Ophelia M. Waters

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE 19977.

On this 29th day of September, 2006

Benne Singletary

I/M Beverly Singletary
SBI# 332365 UNIT Bldg 214-1
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977



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